

REMARKS

Applicant has amended the specification and Abstract to correct certain informalities and other minor clerical errors.

Claims 1 through 17 are pending in the application. The Examiner has rejected all claims under 35 USC §103 as being obvious over Bridger, et al., US Patent 6,272,209, "Bridger" in view of Burnett, et al. US Patent 6,067,030, "Burnett". The Applicant respectfully traverses these rejections and requests reconsideration.

The Applicant traverses these rejections because there is no suggestion or motivation in these references or otherwise to modify Bridger as suggested by the Examiner. In addition, the suggested modification of Bridger would not result in the claimed invention and therefore could not be considered successful. Finally, the combined references do not contain all of the limitations of the pending claims.

The Bridger patent teaches a voice over DSL, VoDSL, telephone system for connecting calls from Customer Premises Equipment, CPE, to Line Terminating Equipment, LTE, at a telephone company central office, CO. The CPE and LTE include equipment for connecting the calls using plain old telephone system, POTS service, in the event of power failure in the CPE. The conversion from VoDSL service to POTS service occurs automatically upon power loss.

As noted by the Examiner, there is no teaching in Bridger of generating, using or sending any type of alarm or warning signal upon loss of power. There is no suggestion or motivation in Bridger for doing so. The system automatically takes care of the problem, i.e. loss of power, by switching the system to a POTS, which gets its power from the CO and does not need power from the customer premises.

Burnett relates to AC power loss occurring at a CO. Burnett provides a system for automatically collecting data about backup power systems, equipment temperature, etc. at the CO and sending it to technicians and disaster coordinators. It also generates and sends alarms to the technicians and disaster coordinators to alert them that there is a problem to be fixed. Burnett does not indicate how the problem is to be fixed. It only provides a method of providing information to those people who are charged with keeping the CO operating.

There is no teaching or motivation in Burnett for adding an alarm to the system of Bridger. Burnett needs an alarm, because it must notify certain people that there is a problem, because those people must fix the problem before the affected CO stops working and many customers lose telephone service. The system of Bridger automatically provides a backup telephone service to the one affected customer by switching to POTS and can continue operating that way indefinitely. No further or total loss of service occurs in the Bridger system. So there is no reason for, i.e. no motivation, for sending an alarm to a technician.

Regarding Claim 10, the Examiner has stated that it would be obvious to modify Bridger to activate an alert message as taught by Burnett indicating power failure so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett. As discussed above, there is no such motivation to combine the references. Failure to provide an alert message in Bridger has no adverse affect, because Bridger provides an automatic mechanism to keep the CPE operational in POTS mode. There is no possibility that the loss of AC power in the Bridger system will cause loss of an entire service region. The only service affected by loss of power in a CPE is the service to the one customer on whose premises the CPE is located and that is automatically corrected in Bridger.

Regarding Claims 11-12, the Examiner notes that Burnett teaches as prior art the use of audible and visual alarms for notifying technicians of problems so corrective action can be taken. However, for the reasons stated above there is no motivation in Bridger or Burnett for combining the teachings of the two references.

Regarding Claim 13, the Examiner notes that Bridger teaches the use of software components. However, for the reasons stated above there is no motivation in Bridger or Burnett for combining the teachings of the two references.

Regarding Claim 14, the Examiner has stated that it would be obvious to modify Bridger to activate an alert message as taught by Burnett indicating power failure so that immediate action may be taken so that the loss of an entire service region may be avoided as taught by Burnett. As discussed above, there is no such motivation to combine the references. Failure to provide an alert message in Bridger has no adverse affect, because Bridger provides an automatic mechanism to keep the CPE operational in POTS mode. There is no possibility that the loss of AC power in the Bridger system will cause loss of an entire service region. The only service affected by loss of power in a CPE is the service to the one customer on whose premises the CPE is located.

The combination of Bridger and Burnett could not make Claim 14 obvious because not all elements of Claim 14 can be found in any combination of Bridger and Burnett. Most of the elements specifically noted by the Examiner as being found in Bridger are in the CPE, e.g. the SLICs, the subscriber line access circuit, and a power monitor. However, the "telephony controller receiving notification from the network connection monitor regarding wide area network connection" is part of the LTE. There is no direct sensor or detector in the CPE for indicating or providing a warning of loss of VoDSL connectivity. Instead, the LTE modem

detects the loss by detecting that the DPE modem is no longer transmitting data, Column 6, lines 51-54. The only direct indications generated by the CPE relate to loss of power, Column 6, lines 54-57.

Regarding Claims 15-16, the Examiner notes that Burnett teaches, as prior art, the use of audible and visual alarms for notifying technicians of problems so corrective action can be taken. However, for the reasons stated above, there is no motivation in Bridger or Burnett for combining the teachings of the two references.

Regarding Claim 17, the Examiner notes that Bridger teaches the use of software components. However, for the reasons stated above there is no motivation in Bridger or Burnett for combining the teachings of the two references.

Claims 1-4 were rejected for the same reasons as apparatus claims 10-13. The Applicant submits that no motivation for combining the applied references can be found in these references or has been provided by the Examiner.

Claims 5-9 were rejected for the same reasons as apparatus claims 14-17. The Applicant submits that no motivation for combining the applied references can be found in these references or has been provided by the Examiner.

For the reasons stated above, the Applicant submits that Claims 1 through 17 are patentable over the Bridger and Burnett references and respectfully requests allowance of the pending claims.

If the Examiner believes it would assist in expediting the application, Applicant would welcome a telephone conference with the Examiner to improve understanding of and resolve any remaining issues.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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